

1  
2  
3  
4  
5  
6  
7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT SEATTLE

10                  ALPHA THETA OF ALPHA DELTA PI  
11                  BUILDING ASSOCIATION,

12                  Plaintiff,

13                  v.

14                  PACIFIC NORTHWEST REGIONAL  
15                  COUNCIL OF CARPENTERS,

16                  Defendant.

17                  Case No. C09-1306RSL

18                  ORDER DENYING MOTION FOR  
19                  RECONSIDERATION; REQUESTING  
20                  RESPONSE TO MOTION TO  
21                  DISSOLVE THE TRO

22                  This matter comes before the Court on defendant's motion to reconsider, dissolve, and/or  
23                  set aside a temporary restraining order issued on an *ex parte* basis by a King County Superior  
24                  Court Commissioner on September 11, 2009. The TRO prohibits defendant from certain  
25                  conduct, including picketing, around plaintiff's premises and/or the premises of Alpha Delta Pi  
26                  sorority. To the extent that defendant asks this Court to reconsider the ruling, that request is  
27                  denied. Defendant has not cited any authority, nor is the Court aware of any, that would permit  
28                  this Court to "reconsider" a ruling made by a state court. Instead of seeking review of the order  
                in state court, defendant elected instead to remove the case immediately. This Court has no  
                authority to "overturn" a state court order as defendant requests. Nor are Federal Rules of Civil  
                Procedure 59 or 60 applicable as defendant contends to an order issued by a state court. For

1 these reasons, the motion for reconsideration is denied.

2       Although the Court denies the request for reconsideration, the request to dissolve the  
3 TRO is a separate issue. Resolving the merits of that request would be premature because it was  
4 improperly filed. Defendant filed the motion under seal and on an *ex parte* basis, but there was  
5 no basis for doing so. Rather, plaintiff must receive notice of the motion and an opportunity to  
6 respond to it. Defendant transmitted a copy of the motion to plaintiff's counsel via e-mail on  
7 September 15, 2009. Plaintiff must file a response to the motion to dissolve the TRO by  
8 September 17, 2009. Defendant's reply, if any, must be filed by September 18, 2009. The  
9 parties' memoranda must address whether this Court has jurisdiction over this dispute, whether  
10 the TRO should be dissolved, and when the TRO will expire if it is not dissolved.

11       For the foregoing reasons, the Court DENIES defendant's motion (Dkt. #4) to the extent  
12 that it seeks reconsideration and RENOTES it in part for consideration on September 18, 2009 of  
13 whether the TRO should be dissolved. The Clerk of the Court is requested to mail a copy of this  
14 order to plaintiff's counsel, Matthew O'Conner, and to send him a copy via e-mail to  
15 [matthew@mdolaw.com](mailto:matthew@mdolaw.com), which is the e-mail address that appears on the website of the  
16 Washington State Bar Association. The Clerk of the Court is further directed to unseal the  
17 motion (Dkt. #4).

18  
19                     DATED this 16th day of September, 2009.

20  
21  
22                       
23                     Robert S. Lasnik  
24                     United States District Judge  
25  
26  
27  
28